

DEVELOPMENT OF GUIDELINES
FOR APPROVAL OF STATE
COASTAL ZONE MANAGEMENT PROGRAMS

PROPERTY OF CSC LIBRARY

U. S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

A Technical Proposal
In Response To
Solicitation No. 4-35205

Submitted To

U. S. Department of Commerce
Research and Technical Assistance Branch
Procurement Division, Room 6060, Attention: E. Davis
Washington, DC 20230

Submitted By

Harold F. Wise, A. I. P.
Planning Consultant

CONFIDENTIAL

MADE IN U.S.A.

September 25, 1973

HT392.D48/1973

SEP 27 1973

TABLE OF CONTENTS

I.	OVERALL STATEMENT OF RATIONAL AND METHODOLOGY	1
II.	ORGANIZATION FOR THE WORK, STAFFING AND PREVIOUS RELATED EXPERIENCE	5
	Harold F. Wise	9
	Timothy M. Alexander	18
	David K. Hartley	25
	John J. Bosley	29
	Paul H. Sedway/Thomas Cooke	30
	William E. Odum	35
III.	APPROACH TO THE CRITERIA DEVELOPMENT TASK	39
IV.	APPROACH TO THE FEDERAL PROCEDURES TASK	45

I. OVERALL STATEMENT OF RATIONALE AND METHODOLOGY

Rationale

The Coastal Zone Management Act of 1972 represents a new and unique legislative approach to intergovernmental cooperation and regulation.

Through its enactment, the Congress, focusing on the coastal zones of the country, has said to the states:

- We want you to manage these important areas;

and the Congress has said to the agencies and departments of the Federal establishment:

- We want you to engage in your activities in accordance with state coastal zone management programs, "to the maximum extent practicable."

Thus, the states are expected to realign the exercise of their powers to control, to permit and to regulate land and water uses within their defined coastal zones in a way that will be responsive to and will fit their own political understandings of the importance of and, therefore, their ability, to effectively apply their basic police powers and active management resources.

At the same time, the agencies and departments of the Federal establishment are expected to submit to the discipline of state management in the coastal zones of the states, "to the maximum extent practicable."

This is a new experience in Federalism, wherein the national interest is expressed and then worked out in terms of local (state) ability to identify their own interest and to adjust their regulatory and control powers.

At the state level, they must develop a new capacity to clearly enunciate their own interests and actively apply them in conjunction with the powers and activities previously delegated to general purpose local governments.

It is within this framework of law and the need for new and emerging policy that this Request for Proposal has been issued by the Office of Coastal Environment, NOAA, U. S. Department of Commerce.

The prospect of there being funds available to assist states in the development of their coastal zone management programs under Section 305 of the Act (in concert with the guidelines issued in the Federal Register on June 13, 1973) makes it important that NOAA more fully detail and inform the states of the criteria it intends to use in the evaluation of proposed management programs and activities.

Methodology

- A. Under the above rationale, we see two integrated and necessarily parallel areas of effort going into this work:
- (1) Research interviews, analysis and review comments, dealing with the current "state of the art" in terms of the legal requirements expressed in the Federal law (see the 18 points of Attachment "A" as set forth in your RFP 4-35205) together with the Federal level "review-approval" guidelines, law and experience. This exercise will result in the working paper due by November 19, which paper, on the basis of your review, will be used for the hearings to be held in Washington and various regions of the country.
 - (2) Following the hearings, and the comments and review on the working paper, guidelines are to be prepared in a form suitable to Department of Commerce style, format, content and legal practices for publication by the Department in the Federal Register. This will be accompanied by, or will incorporate,

- a guidelines "supplement," "analysis" or "appendix" setting forth desirable features of the management program not specifically enumerated in the statute and a detailed explanation and rationale for the entire review and approval process.

B. Development of these products will entail the preparation, submission, review and refinement of the following materials:

- (1) Submission of a full working paper writing outline, and any needed revisions or additions to the work program, as part of the "progress report" requirement on November 9.
- (2) Preparation of a working paper, consistent with the objectives and rationale outlined above, by November 29.
- (3) Participation in and preparation of key issues, comments, suggestions for revision, etc., as a result of the Washington review sessions for dissemination at the regional conferences.
- (4) Development of suggested review participant lists and preparation of suggested specific topics that key knowledgeable and interested individuals might constructively address.
- (5) Participation in and incorporation of major additions, criticisms, attitudes, etc., from the regional conferences.
- (6) Convening an in-house conference within the Department of Commerce to review and discuss the implications of the review sessions, status of work, unresolved issues, etc.
- (7) Preparation of the final guidelines in close conjunction with the Department of Commerce legal staff, Office of Coastal Environment, etc., by February 11, 1974.

Specific methods for the two principal tasks are set forth within their respective task statements at Section III and IV following the next section.

- C. The specific stages of the work will require varying amounts of effort. Our estimates of total team effort to be devoted to each stage is as follows:

<u>Time</u>	<u>Weeks</u>	<u>Product</u>	<u>Total Hrs.</u>	<u>% of Total Effort</u>
Oct. 15-Nov. 9	4	Progress report and writing outline	350	24%
Nov. 12-Nov. 30	3	Working paper	323	23%
Dec. 3-Dec. 20	3	Washington hearings	150	10%
Dec. 24-Jan. 18	4	Regional hearings	322	22%
Jan. 21-Feb. 11	3	Final guidelines	295	21%

The assignments and time allocated to each member of the consulting team is presented in the following section of this proposal.

II. ORGANIZATION FOR THE WORK, STAFFING AND PREVIOUS RELATED EXPERIENCE

Introduction

Although all of the work to be undertaken on this project will be under the direction of Harold F. Wise, who will manage the contract, each senior professional will, in effect share this responsibility.

We have assembled a highly experienced team of knowledgeable people, who have had considerable experience in working together on related projects in the past. Each member of the team has worked in aspects of coastal zone management from the perspective of the various disciplines that are necessary for successful completion of this work.

With regard to the government's estimate of the number of man months of professional effort required for the job we have two comments to make:

- The time frame is demanding. Assuming a start of October 15, there are seventeen weeks of time available until the due date for completion of February 11, 1973; and
- We are committing some eight man months of work to this undertaking and are confident that the work can be done within that time budget, since the team as a whole and individually are "up to speed" in that they have and are now engaged in precisely the sort of work called for by this RFP. Hence, a somewhat lower level of total effort than estimated by the government is contemplated for this project. It will be an intensive and continuing effort of senior professionals throughout the assignment.

The team brings to this assignment current experience in and knowledge of:

- The complexities of coastal zone areas, in terms of their bio-physical, social, economic, political, as well as their public-private sector dimensions;
- The workings of related Federal development assistance, direct operations and regulatory programs that play a role in the coastal zone;
- The planning and decision making processes of state governments, including many of the states that have initiated coastal programs;
- The intergovernmental relations framework with regard to Federal, state, local and areawide responsibilities and roles;
- The integral and necessary relations between planning, management, monitoring, evaluation and decision making; and
- The development of Federal government guidelines and their processing through OMB Circular No. A-85 requirements.

Immediately following this introduction, the relevant experience of the members of the consultant team are detailed. The individual levels of effort over the seventeen week period is estimated as follows:

	<u>Total Estimated Time</u>	<u>% of Full-Time</u>
Harold F. Wise	355 hours	54
David K. Hartley	320 "	47
Timothy M. Alexander	280 "	40
John J. Bosley	225 "	36
Paul H. Sedway and Thomas Cooke	185 "	Subcontract
William Odum	75 "	"
Total	1,440 hours 7.9 man months	

Messrs. Wise, Alexander, Hartley and Bosley will operate out of the Wise offices at 21 Dupont Circle, N. W. in Washington, D. C. Messrs. Sedway and Cooke will be subcontractors and operate from their office in San Francisco. Dr. Odum will also be under subcontract and will operate from his offices at the Department of Environmental Sciences, University of Virginia, Charlottesville, Virginia. Constant contact and

communication will be maintained with those not based in Washington. Dr. Odum will be a frequent visitor to Washington and will participate in some of the hearings.

The consultant group will act as a team with continuous interaction between its members. At the same time, each member will have a primary contribution and concentration in achieving the purposes of the overall effort. The general contributions that each will make are as follows:

Wise: Principal investigator and project manager; planning methodologies; techniques and management for intergovernmental coordination; Federal program requirements; primary responsibility for organization of all public hearings. Will be present at all hearings.

Alexander: Analytical techniques dealing with the nature and ranges of uses in the coastal zone; economic factors affecting the coastal zone; environmental management and regulatory program development factors in the coastal zone. Will participate in all hearings.

Hartley: Procedures for Federal processing of proposed state coastal zone management programs; assistance in organizing Washington, D. C. hearings; integration of Federal requirements through state planning, budgeting and management structures. Will participate in Washington, D. C. hearings.

Sedway and Cooke: Based on extensive local and state coastal planning experience in California, Oregon and Washington, assist in organizing San Francisco and Seattle hearings; assistance in development of specific criteria for approval of a state's coastal zone management program dealing

with: boundaries of the coastal zone; permissible land and water uses; and classification and priority development.

Bosley: Criteria dealing with relevant constitutional provisions, legislative enactments, regulations, and judicial decisions, including actions of Federal regulatory agencies; will contribute to the development of Federal processing procedures. Will participate in Washington, D. C. hearings.

Odum: Scientific consultant on limnology, oceanology, fisheries biology and ecology of the coastal zone environment; particular emphasis upon the biotic and abiotic features of the coast and their typology. Will participate in some hearings. (Boston, Charleston and New Orleans)

Resumes and statements of specific experience pertinent to this project follow:

HAROLD F. WISE, A. I. P., PLANNING CONSULTANT

- Received his B. S. in Government and Business Economics from the University of California at Berkeley in 1940 and completed a course of study on Statistical Analysis and Administration at the Harvard Graduate School of Business.
- Since 1948, in private consulting practice in the fields of city, regional, and state planning; redevelopment; private development; public finance; environmental planning and management; government organization and administration.
- Served as the principal consultant to the Assembly Committee on Conservation, Planning and Public Works in California (1955-57). As consultant to the Speaker of the House of Representatives in Hawaii, assisted in the preparation of legislation concerning development planning and programming there (1957-59). His work on metropolitan area planning has included a number of projects for the metropolitan areas of Tulsa, Wichita, Kansas City, Washington, D. C., Minneapolis-St. Paul, Dallas-Fort Worth, Philadelphia, and Seattle. Has also participated in studies of central business districts in Tulsa, Washington, D. C., and Wilmington, and has done redevelopment studies and comprehensive city plans for a number of towns and cities. He was the principal policy consultant for the Community Renewal Program of the City of Philadelphia (1961).
- Consultant to General John G. Bragdon, Special Assistant to the President, Public Works Planning (1959) on a special White House task force study to re-evaluate the funding and planning of the Federal Interstate Highway Program.
- Policy consultant to a Federal Task Force on Planning Assistance Programs comprising representatives of six major Federal Departments and an independent Federal agency. Final report prepared for the Bureau of the Budget (1969).
- Principal consultant contractor to the Tulsa Metropolitan Area Planning Commission in the planning of the metropolitan expressway system.
- Prepared work program study designs and organizational studies to initiate the state planning process in New York, California, Arizona, Hawaii, Alaska, Colorado, Florida, Iowa, Kansas, Michigan, Minnesota, Nebraska, Oklahoma, and Texas.
- Prepared legislation establishing or re-establishing the state planning function in Hawaii, California, New Mexico, Georgia, Florida, Texas, Iowa, and Nebraska.

- Consultant to the National Council on Marine Resources and Engineering Development and its Federal Interagency Committee on Multiple Use of the Coastal Zone and, as such, organized and managed a Seminar on Multiple Use of the Coastal Zone in Williamsburg, Virginia (November 13-15, 1968) and prepared a report entitled "Intergovernmental Relations and the National Interest in the Coastal Zone of the United States"(March 1969), with William J. Hart and Timothy Alexander.
- Consultant to the Office of Coastal Environment (then Office of Coastal Zone Management), National Oceanic and Atmospheric Administration, U. S. Department of Commerce, in the preparation of their initial guidelines for the application of Section 305 of the Coastal Zone Management Act covering "Coastal Zone Management Program Development Grants," with Timothy M. Alexander (1972) and, with David K. Hartley, developed a report entitled "Introducing the Coastal Zone Management Program Into State Planning" (1973).
- As consultant to the Assistant Secretary for Community Planning and Management, U. S. Department of Housing and Urban Development, prepared a policy analysis (1973) relating to the implications, problems and advantages of shifting the entire administration of HUD's local planning assistance program (the 701 program) to the state governments. This analysis included a method for evaluating state capacity to manage and administer the program as well as specific analysis of individual states. This study was in response to a desired change in policy by this administration.
- Consultant on planning methods and processes to the Office of Water Programs, Environmental Protection Agency. As such conducted four major studies for EPA: "Institutional Arrangements for Water Quality Management Planning," an evaluation of the use and understanding of EPA-HUD Guidelines for Water Quality Management Planning; "A Strategy for Research, Development and Demonstrations for the Elimination of Pollution in the Great Lakes;" and the development for demonstration purposes of statewide, integrated, (state, areawide, and sub-state agencies) Water Quality Management Planning Programs for Massachusetts and Georgia.
- Consultant to the Division of Environmental Systems and Resources, Research Applies to National Needs, National Science Foundation.
- Member of the faculties in planning at the University of Pennsylvania, Yale University, the University of California at Los Angeles, and the University of Edinburgh, Scotland.
- Served for ten years as the National Legislative Chairman of the American Institute of Planners.

UNITED STATES GOVERNMENTAL AGENCIES WHO HAVE BEEN CLIENTS

Department of Commerce

National Oceanic and Atmospheric Administration
Office of Coastal Environment

Department of Health, Education and Welfare

Bureau of Elementary and Secondary Education
Task Force on Environmental Health and Related Problems

Department of Housing and Urban Development

Task Force on Planning Assistance
Assistant Secretary for Community Planning and Management

Department of the Interior

Bureau of Mines
Bureau of Sport Fisheries and Wildlife
Federal Water Quality Control Administration

National Council on Marine Resources and Engineering Development

Committee on Multiple Uses of the Coastal Zone

Environmental Protection Agency

Office of Water Programs
Planning and Standards

National Science Foundation

Research Applied to National Needs
Division of Environmental Systems and Resources

CLIENTS FOR WHOM THE FIRM HAS PERFORMED SERVICES

STATE GOVERNMENTS

Alabama	Michigan
Alaska	Minnesota
Arizona	Nebraska
Arkansas	Nevada
California	New Mexico
Colorado	New York
Florida	North Carolina
Georgia	Oklahoma
Hawaii	Pennsylvania
Iowa	South Carolina
Kansas	Texas
Maryland	Virginia
Massachusetts	Washington
	Wisconsin

REGIONAL, COUNTY, AND METROPOLITAN AGENCIES AND ASSOCIATIONS

Alamo Area Council of Governments (San Antonio)
Atlanta Region Commission
Baltimore Regional Planning Council
Concho Valley Council of Governments (San Angelo, Texas)
Dane County Regional Planning Commission (Wisconsin)
East Tennessee Development District
East Texas Council of Governments
Escambia County Regional Health Advisory and Planning Council (Pensacola)
Greater Wilmington Development Commission (Delaware)
Kiamichi Economic Development District (Southeastern Oklahoma)
Lower Rio Grande Valley Development Council (Texas)
Metropolitan Council (Minneapolis-St. Paul)
Metropolitan Planning Commission (Kansas City Region)
Metropolitan Washington Council of Governments
Muskegon County Planning Commission (Michigan)
Nortex Regional Planning Commission (Wichita Falls, Texas)
North Central Texas Council of Governments (Dallas-Ft. Worth)
Northwest Central (Kansas) Regional Health Planning Council
Penjerdel Council of Governments (Trenton, Camden, Philadelphia, Wilmington Region)
Puget Sound Governmental Conference
Sacramento Regional Area Planning Commission
Smith County-Tyler Area Council of Governments (Texas)

Selected Recent Experience In Fields Relating
to this Procurement

Name: HAROLD F. WISE

Intergovernmental Relations and Structure

December 1965 "A Program for Comprehensive Planning and Development
In the National Capitol Region -- A Design for Decision
Making and Action."

The initial overall work program for the Metropolitan
Washington Council of Governments.

References: Water Schieber, Executive Director
Metropolitan Washington Council of Governments

January 1971 "Multi-County Governmental Organization In the Sacramento
Region."

A study and proposal for the consolidation or effective
coordination of present and prospective multi-county
government organizations in the Sacramento regional
area.

Reference: James Barnes, Executive Director,
Sacramento Regional Area Planning Commission

November 1970 "A Study and Recommendations on the Governance of the
Delaware Valley."

A study that focused on "who plans and who acts" in the
Tri-State-Philadelphia-Trenton-Camden-Wilmington
metropolitan area, together with recommendations re-
lating to "The processes which might be established to
achieve coordination of governmental activities of
regional significance and possible arrangements for
tying these processes into a regional coordinative
structure."

Reference: A. Russell Parkhouse, Chairman, Board of
Commissioners, Montgomery County, Pennsylvania
and Chairman, Penjerdel Council of Governments

1969

Interagency Task Force on Planning Assistance Programs.

Served as principal consultant to the PARC committee's Federal Interagency Task Force on Planning Assistance Programs.

Reference: Dr. Nicholas P. Thomas, Then Chairman of the Task Force, now with Linton, Miels and Coston, Inc., Washington, D. C.

1969

Interagency Committee on the Multiple Use of the Coastal Zone -- National Council on Marine Resources and Engineering Development

Prepared special report and working paper on "Intergovernmental Relations and the National Interest in the Multiple Use of the Coastal Zone of the United States"

Reference: James T. McBroom, Special Assistant to the Director, Bureau of Sport Fisheries and Wildlife, USDI

1971

"An Environmental Planning Process for North Carolina"

A report recommending procedures for environmental planning, impact analysis and evaluation for the State of North Carolina

Reference: Ronald F. Scott, State Planning Officer

1967-68

Maryland Planning and Zoning Law Study Commission

Served as consultant to Maryland Planning and Zoning Law Study Commission

Reference: Vladimir Wahbe, Secretary
Maryland Department of State Planning

1971-73

Maryland Department of State Planning

Assisting in preparation of the "State Development Plan" and a "Policy and Program Development Planning Process."

Currently engaged in the development of the implementation processes for the Maryland Statewide Land Use Plan.

Reference: Vladimir Wahbe, Secretary
Maryland Department of State Planning

Work with the Environmental Protection Agency -- Office of Water Programs

Reference for EPA work: Joseph Krivak, Planning and Standards, Office of Water Programs, EPA

September 1971 "Institutional Arrangements for Water Quality Management Planning"

The report examined the impact of the unified HUD/EPA Water Quality Management Planning Guidelines on the planning efforts of several states with particular regard to institutional and intergovernmental arrangements in state, river basin and regional planning. The report identified the status and current problems of the water quality management state planning programs and presents recommendations for the alleviation of the problems.

October 1972 "Organizing and Funding for Water Quality Management Planning -- A Statewide Perspective"

The report examines methods of organization and funding alternatives for statewide water quality management planning. Report prepared for EPA using the Commonwealth of Massachusetts as a pilot state.

February 1973 "The Organization for State-Areawide Water Quality Management Planning for the State of Georgia"

A second pilot project, sponsored by EPA and the State of Georgia which integrates state agency efforts with those of 18 substate planning districts (including three interstate SMSA's) to produce areawide water quality management plans. Planning program was based on EPA-HUD Guidelines for Water Quality Management Planning and the Areawide Planning requirements established by the Water Pollution Control Amendments of 1972.

Work with Bureau of Sport Fisheries and Wildlife, U. S. Fish
and Wildlife Service

October 1969

"Securing Additional Data Supporting the Bio-Physical Estuary Evaluation"

November 1969

"Some Economic Factors Affecting the Estuarine Zone Including Market Outlooks for Selected Products"

These two studies, accomplished by Harold F. Wise and Associates under the direction of Timothy Alexander, were a part of the National Estuary Protection Act Study (P. L. 90-454).

References: James T. McBroom
Special Assistant to the Director
Robert E. Cleary, Division of
River Basin Studies

Work with the Department of Commerce -- National Oceanic and
Atmospheric Administration, Office of Coastal Environment

1972

Assisted, with Timothy Alexander, the Office of Coastal Environment to prepare guidelines for implementation of Coastal Zone Management Act, which included sections relating to: Guidelines for Management Program Development and Applying for a Management Program Development Grant.

Developed initial drafts and participated in review and revisions with OCE staff and other federal agency officials, public interest groups and practitioners in the field.

1973

Consulted with David Hartley in developing his staff study entitled "Introducing the Coastal Zone Management Program Into State Planning."

Reference: Robert Knecht, Director and Richard Gardner, Deputy
Office of Coastal Environment

Work with the Environmental Protection Agency, Washington Center for Environmental Research, and the American Institute of Planners

1973

Acting as principal consultant, project manager, and author on two EPA financed research projects being administered through the American Institute of Planners. Both projects involve co-authors and advisory committees composed of professional planners.

The first project, with Ian McHarg, is concerned with the development of a process and concept for building planning for environmental quality into the comprehensive plan.

The second project, with co-authors Timothy M. Alexander, Professor John Keene and Paul Sedway, is concerned with potential relationships between the Comprehensive Plan and the Environmental Impact Statement as called for by Section 102(2)(c) of the National Environmental Policy Act. The research is concerned with evaluating the experience gained under the two processes and how each might effectively support and be integrated with the other.

References: John Joyner, Executive Director
American Institute of Planners

Dr. Martin Redding
Environmental Planning Branch
Washington Center for Environmental Studies, EPA

Selected Recent Experience in Fields
Relating to this Procurement

Name:

TIMOTHY M. ALEXANDER

Recent Employment:

March 1971 - Present. Private consulting, both on independent and joint venture bases.

June 1970 - March 1971. Principal Associate for Natural Resource and State Planning -- Management, Resource Planning Corporation

January 1969 - June 1970. Senior Associate, Harold F. Wise & Associates/Earth Satellite Corporation

July 1967 - December 1968. Research Analyst, Office of Crime Analysis, District of Columbia Government

November 1966 - June 1967. Research Assistant, Crime Report Team, Management Office, District of Columbia Government.

Selected Recent Project Experience:

Project: Management of the Land and Water Resources of the Rookery Bay Sanctuary and Collier County, Florida, 1973.

Client: The Conservation Foundation

Description: This project involves a team of researchers, including natural scientists, engineers, economists, land planners and lawyers. Primary responsibility for management-legal strategies for guiding and constraining development is Mr. Alexander's responsibility. Working together with John J. Bosley, this project involved:

- Legal, management and administrative research of Federal and State policy and regulation applicable to developments in Collier County, and adjacent to a large Audubon Sanctuary.

- Compilation, analysis and display of management tools associated with:
 - research and planning requirements
 - standards, evaluation criteria and geographic application
 - regulatory procedures and sanctions
 - institutional responsibilities and arrangements
 - protection--conservation policies
 - active management requirements and guidelines
- Development of refinements in State and local policy that would establish preservation, conservation and developmental areas with specific criteria for management and control of the local lands and waters.
- And, preparation of a report and recommendations for strengthening environmental management under existing Federal, State and local policy and planning processes, together with future improvements in regulatory decision-making.

Reference: John Clark, Senior Associate, The Conservation Foundation
Dr. Edward T. LaRoe, Executive Director, Collier County Conservancy

Project: A Study of the Relationship Between the Comprehensive Plan and the Environmental Impact Statement, 1973

Client: The Environmental Protection Agency and American Institute of Planners

Description: With three other team members, this study focuses upon a literature search, development of case studies and extensive interviews concerning the planning, legal and governmental administration and decision making that has evolved as a result of the National Environmental Policy Act. The key focus of Mr. Alexander's work involves:

- Translating NEPA through natural resource/environmental protection agencies at the Federal and State level and their relationship, actual or potential, to State and sub-State comprehensive planning.
- Evaluating the connection between planning practices, regulatory application and the role of NEPA in strengthening these processes.
- Exploring the potential impact of State versions of NEPA and Section 102(2)(c) of the Federal Act on sub-State and local governmental planning, zoning and other management tools.

- And, development of a case study of a regional waste water treatment proposal within the context of lack of a local comprehensive plan, in the Delaware coastal zone.

Reference: John Joyner, Executive Director, American Institute of Planners
Dr. Martin Redding, Chief, Comprehensive Environmental Planning
Branch, EPA.

Project: Maryland State Land Use Plan, 1973

Client: Maryland Department of State Planning

Description: This is a continuing series of investigations, with Harold F. Wise, in support of the Department's development of a State land use plan. Specific facets of this work include:

- Analyzing the utility of State and local standards and criteria as one basis for developmental guidelines to be carried out jointly at the State and local levels of government.
- Preparation of a "state of the art" appraisal of experience and approaches to land use controls and incentives drawn from Maine, Vermont, New York, Florida, Wisconsin and other states.
- Development of proposals for more directly relating state planning with functional environmental planning and management.
- And, an assessment of intergovernmental relations and roles that would likely emerge from establishing a State-local land planning arrangement.

Reference: Edwin L. Thomas, Director, Comprehensive State Planning, Maryland
Department of State Planning

Project: Proposed Legislative and Programmatic Initiative for Managing
the Water and Associated Resources of the Chesapeake Bay, 1971-72

Description: Together with Mr. Bosley, this project involved five closely interconnected areas of study and analysis:

- An assessment of the current roles and authorities of the Department of Natural Resources, its Department of Chesapeake Bay Affairs and related State/local agencies in regulating and otherwise managing the State's tidal waters.

- Identifying, defining and analyzing key emerging policies and programs at the Federal and State levels, which impact on and affect the active management and regulation of the State's tidal waters.
- Developing alternative policy and legislative proposals which would integrate and/or consolidate currently separate State and substate administrative and regulatory functions into a unified tidal regulatory program.
- Recommending a preferred planning, administrative and regulatory framework for the tidal waters and water-related land developments of the State, including necessary legislation for the implementation of the recommended proposal.
- Preparing a suggested interim coastal zone management program for the State of Maryland.

Reference: Mr. James B. Coulter, Secretary, Department of Natural Resources

Project: An Issue Analysis Concerning the Management of Georgia's Coastal Amenities

Client: The Conservation Foundation, 1971

Description: This project led to the preparation of a comparative coastal management analysis paper as part of the Conservation Foundation's demonstration Georgia Coastal Planning Study. Working within the primary recreational emphasis of this Study, and in conjunction with other university and private contributors, this work:

- Analyzes and integrates the major issues raised during the demonstration study.
- Reviews alternative management legislation, approaches and experience in other representative coastal states.
- Provides a summary analysis of the strengths and weaknesses of alternative water and land management approaches at the State and local level.
- Suggests alternative means for strengthening State involvement in protecting and guiding coastal amenities and development in Georgia.

Reference: David B. Walker, Executive Secretary, Wisconsin Conservation Education Council, Madison, Wisconsin

Project: Implementing the Maryland Wetlands Act, 1970-71

Client: Department of Chesapeake Bay Affairs, State of Maryland

Description: As a principal consultant to D.C.B.A., Messrs. Alexander and Bosley assisted in developing the rules, regulations, permit requirements and procedures for protecting privately owned wetlands in Maryland.

This project involved developing a series of issue papers, analyses and recommendations for:

- Identifying, analyzing and defining wetlands activities to be regulated in Maryland, and evaluating other pertinent State and regional regulatory experience as a guide to State policies and program development.
- Applying established resource management principles to problems of drafting effective wetlands rules and regulations.
- Developing recommended organization and procedural strategies for Departmental consideration.
- Preparing a recommended private wetlands order and supporting rules and regulations.
- Proposing technical criteria and evaluative methods for reviewing notifications and permits.

Reference: John R. Capper, Department of Natural Resources, State of Maryland

Project: National Estuary Protection Act Study, 1969-70

Client: Bureau of Sport Fisheries and Wildlife, Bureau of Commercial Fisheries

Description: Mr. Alexander was one of two general oversight consultants with Harold F. Wise and Associates to the National Estuary Study Staff during the major estuary protection study authorized by P. L. 90-454.

Key responsibilities during this assignment included:

- Development, with other professional consultants, of the Study Design for carrying out the National Estuary Study.

- The direction, review and comment of other consultant work, particularly that dealing with technology and estuarine landscape and analysis.
- Coordinative liaison between the National Estuary Study and National Estuarine Pollution Study.
- Preparation of "Economic Issues Affecting the Estuarine Zones, Including Market Outlooks for Selected Products," included in the Appendices to the final report to Congress.

Reference: Mr. James. T. McBroom, Special Assistant to the Director

Project: Economic, Demographic and Use Trends in the Estuarine Zone, 1969

Client: Estuarine and Oceanographic Programs Branch, Federal Water Pollution Control Administration

Description: Mr. Alexander had major responsibility for developing a report, with Harold F. Wise and Associates, describing and evaluating national, regional and estuarine zone economic, demographic and use trends. Assistance was also given to the then FWPCA in developing a conceptual framework for the National Estuarine Pollution Study, analyzing the form and content of data collected in the National Estuarine Inventory, evaluating use damages, and determining probable trends in estuarine ecology. This report appears in essentially unchanged form in Volume II of the final report to Congress of the National Estuarine Pollution Study.

Reference: Mr. T. A. Wastler, Chief, Water Quality Protection Branch, Environmental Protection Agency

Project: Related Experience in State and Regional Planning, 1970-Present

Clients: During the past two years Mr. Alexander has worked and is currently involved in a variety of governmental planning and management assignments less directly related to the proposed coastal zone assignment. Two recent and continuing clients are of particular significance:

- The Division of Planning Coordination, Office of the Governor, Texas
- The Office of Criminal Justice Plans and Analysis, District of Columbia

Description: In the order listed above, a description of Mr. Alexander's work is summarized below:

- Preparation of a major Work Element for the Division concerning the recent past, current strengths and weaknesses, and future potential improvements in Texas' utilization of: the A-95 review and comment process; §102(2)(c) environment impact statements; State-regional coordinative management policies and procedures; and the implications for Texas at the state and regional scale, of evolving Federal proposals for water quality planning-programming, land use policy and environmental protection elements in functional grant programs.
- Establishment and continuing review of the comprehensive planning process of the Office; analysis of related plans and systems; issue identification and development of the Metropolitan/areawide implications of criminal justice planning; technical papers on evaluation, results of the President's Crime Commission effort, implementation of the Court Reform Act, and various other assignments.

References: Mr. Dan Petty, Special Assistant to the Governor, State of Texas
Mr. Blair G. Ewing, Director, Department of Public Safety,
Metropolitan Washington Council of Governments
Mr. Samuel Harahan, Director of Plans and Evaluation, Office of
Criminal Justice Plans and Analysis

Selected Recent Experience in Fields Relating to
This Procurement

Name: DAVID K. HARTLEY

Representative
Clients:

United States Secretary of Commerce
President's Office of Management and Budget
Office of the Vice-President
Advisory Commission on Intergovernmental Relations
Office of Coastal Environment, NOAA
United States Department of Housing and Urban Development
The State of Montana
Federation of Rocky Mountain States, Inc.
Coalition for Rural America
National Association of Regional Councils
Council of State Planning Agencies
Council of State Governments

Selected Recent Project Experience:

Project: Needs of the Six Rocky Mountain States For Transportation,
Land Use, New Communities and Housing

Client: Federation of Rocky Mountain States, Inc., Denver, Colorado

Description: In 1970, retained to direct a research and planning project oriented to the needs of the six-state region in transportation, land use, new communities and housing. Conceptualized the project, coordinated the work of 11 researchers, edited the work for publication, and summarized the recommendations for adoption by Governors and legislatures. The FRMS is a nonprofit cooperative endeavor created by six state governments and the private sector to promote the proper development of the Rocky Mountain region. During 1971, remained as consultant to conceptualize second-year strategy, help secure funding and help select a permanent staff director.

Reference: Governor Jack Campbell, President

Project: Evaluation of the Role of State Governments in Federal-State Regional
Economic Commissions

Client: Office of Regional Economic Coordination, U. S. Department of Commerce (Contract #3-35531; completed Feb. 12, 1973)

Description: In the first half of 1970, designed and conducted a research project to evaluate the role of state governments in the six Federal-State Regional Economic Commissions (Appalachia, Coastal Plains, Upper Great Lakes, New England, Ozarks and Four Corners). The research was directed to enhancing the role of states in the partnership. In the second half of 1972, was invited to return to direct a project on defining the role of state legislatures in the Commissions. The report was published for the benefit of the Commissions, the National Legislative Conference (an affiliate of the Council of State Governments), and the 1973 state legislative sessions. The National Legislative Conference adopted a Resolution incorporating the report findings at its Annual Meeting in August 1973.

Reference: Robert Ruddy, then Special Assistant to Secretary of Commerce for Regional Economic Coordination; now HUD Deputy Under Secretary

Project: Work Program for Vice Presidential Liaison with Governors, Mayors and Elected County Officials

Client: Office of the Vice-President, Office of Intergovernmental Relations

Description: Developed work program for OIR, which acted as staff to the Vice President in his capacity as the President's liaison with Governors, mayors and elected county officials. Also prepared a research report that identified the key control points in the Federal establishment, and particularly in the Office of the President, in which considerations should be introduced to facilitate intergovernmental transfers.

Reference: C. D. Ward, Assistant to the Vice President

Project: The Impact of Federal Assistance on the Management of State and Local Units of Government

Client: Executive Office of the President, President's Advisory Council on Management Improvement

Description: During the Spring of 1971, prepared a research strategy and prospectus for PACMI's proposed investigation of the impact of Federal assistance on the management of state and local units of government. The study was completed and published by PACMI staff. PACMI's membership consists of ten businessmen appointed to advise the President on management improvement.

Reference: Dwight Ink, then Assistant Director of the Office of Management and Budget; now Assistant Director of GSA

Project: The Role of Interstate Organizations in National Growth Policy

Client: U. S. Advisory Commission on Intergovernmental Relations

Description: During the Fall of 1971, prepared a study identifying the role of interstate organizations in national growth policy. The subject had been mandated by Section 703(a)(4) of the Urban Growth and New Community Development Act of 1970. Manuscript was studied by ACIR, HUD and the White House, and was published, in summary form, as a section of the President's Report on National Growth 1972. ACIR is an official study organization composed of officials from all three levels of government.

Reference: Dr. David Walker, Assistant Director

Project: Field Structure and Regional Boundaries for the National Endowment for the Arts

Client: U. S. National Endowment for the Arts

Description: In April 1973, prepared the discussion paper for a seminar at which top officials of the Endowment and associated organizations would decide the organization's field structure and regional boundaries. The Endowment is a unique organization calling for interaction between all levels of government as well as with the private sector in its program of assisting all forms of art across the country. The discussion paper described the patterns and institutions by which national organizations decentralize on a subnational basis and recommended several alternatives for the Endowment, one of which was selected.

Reference: Clark Mitze, Director, Federal and State Programs

Project: Introducing the Coastal Zone Management Program Into State Planning

Client: Office of Coastal Environment, NOAA, U. S. Department of Commerce (Contract #9-37142, completed July 24, 1973)

Description: In June 1973, prepared a research paper outlining ways the new Coastal Zone Management Program, enacted by Congress in 1972, could be introduced most efficiently into the planning process of state governments. The report, written with Harold F. Wise, included an operational description of HUD's Comprehensive Planning Assistance Program (701) and included suggestions for close interaction between the CZM and 701 programs in the 34 coastal states and territories.

Reference: Robert Knecht, Director, and Richard Gardner, Deputy,
Office of Coastal Environment

Selected Recent Experience in Fields
Relating to this Procurement

Name: JOHN J. BOSLEY

Mr. Bosley has had broad experience in the field of planning and zoning, and inter-governmental relations. For seven years he worked in the Office of the General Counsel, Public Housing Administration, and was involved with various facets of the low-rent public housing program.

In April of 1964, he joined the Metropolitan Washington Council of Governments as General Counsel, and from February 1966 to April 1968, he served as Deputy Executive Director and General Counsel.

Presently, Mr. Bosley is retained as General Counsel by the Council of Governments and its National Capital Transportation Planning Board. He also serves as consultant and legal adviser to the National Capital Air Quality Planning Committee, a joint agency of the Government of the District of Columbia, the States of Maryland and Virginia and the COG. Since 1968 he has been retained as Legal Counsel to the National Association of Regional Councils, a nationwide public interest organization of regional associations of general purpose local governments. In addition to his private law practice, Mr. Bosley undertakes consulting assignments and specializes in intergovernmental and regulatory affairs.

Mr. Bosley has received a B.S. and J.D. degree from the University of Richmond, and a Master's of Law from Georgetown University Law Center.

Mr. Bosley is a member of the Maryland and District of Columbia Bar Associations; the American Bar Association; and the Federal Bar Association. He also serves on the ABA's Committee on Local Government Law and Subcommittees on Environment, and Intergovernmental Relations. He has published articles in the American Bar Association Journal, and in a newsletter of the Committee on Local Government Law of the American Bar Association.

In addition to the extensive coastal consulting work undertaken with Mr. Alexander, summaries of which are contained with Mr. Alexander's Statement of Experience, Mr. Bosley has provided policy and legal counsel in the following additional recent projects:

- | | |
|-------------|---|
| July 1972 | - Assisted in preparing the program and environmental standards for the development of an original sanitary landfill and resource recovery system at Lorton, Virginia for the District of Columbia and local governments in Northern Virginia. |
| August 1973 | - Provided policy and legal advise in developing a proposed air quality transport and control standards for the District of Columbia, and states of Maryland and Virginia to meet the requirements of the Federal Clean Air Act for an implementation plan for the National Capital Air Quality Region. |

Selected Recent Experience in Fields Related
to the Procurement

Names: PAUL H. SEDWAY and THOMAS COOKE, principals in the firm of Sedway/
Cooke, Urban and Environmental Planners and Designers, 400 Pacific
Avenue, San Francisco, California.

Education: Paul H. Sedway

University of California
Department of City and
Regional Planning
Berkeley, California
M.C.P., 1960

Harvard Law School
Cambridge, Massachusetts
J.D., 1957

Harvard College
Cambridge, Massachusetts
A.B. (with honors), 1952
Harvard College Scholarship

Thomas Cooke

University of California
Department of City and
Regional Planning
Berkeley, California
M.C.P., 1960

University of Notre Dame
Department of Architecture
Notre Dame, Indiana
B. Arch. (with honors), 1958

Teaching: Paul H. Sedway

Department of City and
Regional Planning
University of California

Lecturer in City Planning
Teaching Assistant
1966-69
1959-60

Thomas Cooke

Department of City and
Regional Planning
University of California

Principal Courses: Lecture and
laboratory in city planning;
studio in urban district and
physical system plans; studio
in community development
studies; seminar in city
planning; course in land use
and transportation analysis.

Assistant Professor	1964-69
Acting Assistant Professor	1963-64
Teaching Assistant	1959-60

Chairman, College of Environmental Design Joint Committee on Urban Design	1966-67
---	---------

Chairman, Department of City and Regional Planning Committee on Urban Design	1966-67
--	---------

Current and
Recent Projects:

U. S. Forest Service and Mono County, June Lake Loop Study,
1972-73.

Bay Area Rapid Transit District, Northwest San Francisco Extension
Study Impact Analysis, 1972-73.

Association of Bay Area Governments, Ocean Coastline Planning
Study, 1972-73.

Monterey, San Luis Obispo and Santa Cruz Counties, Tri-County
Coastline Planning Study, 1971-73.

City of Martinez, Open Space, Conservation, Seismic and Scenic
Highways Elements, 1971-72.

California Department of Navigation and Ocean Development, Compre-
hensive Ocean Area Plan Land Use Dependency Analysis, 1971.

Tahoe Bi-State Regional Planning Agency, Environmental Design and
Conservation Planning, 1971.

East Palo Alto-East Menlo Park, Physical Environment Policies Element, 1970-71.

Conservation Foundation, Bolinas Lagoon Environmental Management Study, 1970.

City and County of San Francisco Planning Department, Alcatraz Island Design and Development Criteria and Policies Study, 1969.

City of San Pablo, Regional Shopping Center Environmental Impact Report, 1972.

Town of Corte Madera, Uplands II Environmental Impact Report, 1972.

City of Santa Cruz, High-Rise Regulation Environmental Design Impact-Analysis and Recommendations, 1972.

Town of Corte Madera, Redevelopment Plan Environmental Impact Report, 1972.

Port of San Diego and City of Chula Vista, Waterfront Planning Program, 1971-73.

City of Martinez, Waterfront Area Planning Specifications Study, 1969-70.

San Mateo County and City of Menlo Park, East Bayshore Planning Program Design and Reconnaissance Survey, 1970.

San Francisco Bay Conservation and Development Commission, Implementation Survey and Formulation of Regulatory and Intergovernmental System, 1966-68.

San Francisco Bay Conservation and Development Commission, Regional Data Inventory, 1966.

Santa Clara County Planning Department, Baylands Ownership and Governmental Powers Study, 1970.

U. S. Geological Survey, Review of Planning Components of Bay Region Multi-Disciplinary Study, 1972.

California Department of Navigation and Ocean Development, Consulting on Plan Preparation, Decision-Making and Special Issues, 1971-71.

References:

Joseph E. Bodovitz, Executive Director
California Coastal Zone Conservation Commission
1540 Market Street
San Francisco, California 94102

Roy Cameron, Planning Director
Santa Clara County
70 West Hedding Street
San Jose, California

Ed DeMars, Planning Director, Monterey County
County Administration Building
Salinas, California

Clifford Graves, Deputy Assistant Secretary for Planning and Management
Department of Housing and Urban Development
451 7th Street, S. W.
Washington, D. C.

Allan B. Jacobs, Planning Director
City of San Francisco
100 Larkin Street
San Francisco, California

Walter Monasch, Planning Director
Santa Cruz County
County Governmental Center
Santa Cruz, California

Webster Otis, Regional Administrator
Department of Interior
450 Golden Gate Avenue
San Francisco, California

Jack Schoop, Chief Planner
California Coastal Zone Conservation Commission
1540 Market Street
San Francisco, California 94102

Edward Thayer, Vice President
Wells Fargo Bank
464 California Street
San Francisco, California

References
Cont'd.:

John Torrey, Project Coordinator
Bay Area Rapid Transit District
800 Madison Street
Oakland, California

Werner Von Gundell, Planning Director
Marin County
Civic Center
San Rafael, California

Professor William L. C. Wheaton, Dean
College of Environmental Design
Wurster Hall
University of California
Berkeley, California

Selected Recent Experience in Fields
Relating to this Procurement

Name:

WILLIAM E. ODUM

Recent Employment
and Education:

Assistant Professor, Dept. of Environmental Sciences
Brooks Museum, University of Virginia,
Charlottesville, Virginia 22903

Undergraduate School: University of Georgia
Major: Biology

Graduate School: University of Miami

Masters: 1966

Thesis: "The food and feeding of the striped mullet,
Mugil cephalus, in relation to the environment."

PhD: August 1969

Thesis: "The Utilization of Organic Plant Detritus
in the North River Estuary of the Everglades
National Park.

Awards - Bureau of Commercial Fisheries Fellowship 1964-65
NASA Fellowship 1965-68
Fritz Koczy Memorial Fellowship 1968-69
National Airlines Fellowship 1968

Post-Doctoral - 1970-71 Institute of Resource Ecology
University of British Columbia, Canada

Memberships:

FAO Committee on Aquaculture (U.S.A. representative)
Ecological Society of America
American Society of Limnology and Oceanography
American Fisheries Society
Institute of Fisheries Biologists (elective)

Consultant to:

Skidmore, Owings and Merrill (Hilton Head Island Master Plan)
Dept. of Agriculture, Aquatic Weed Control Division
Nat. Acad. of Sciences representative on N.B.C. special
on the Everglades
Nat. Acad. of Sciences study of defoliation in Viet Nam
AAAS study of defoliation in Viet Nam
AMREP Corp. (Oklawaha River protection)
European IDP Committee on Wetlands Productivity

Publications:

1968. The ecological significance of fine particle selection by the Striped mullet Mugil cephalus. Limnology and Oceanography 13 (1):92-98.

1968. Mullet grazing a dinoflagellate bloom. Chesapeake Science. 9(3):202-204.

1969. (With G. M. Woodwell and C. Wurster) DDT associated with organic detritus in estuarine food chains. Science 164:576-577.

1969. (With E.J.F. Wood and J. Zieman) Influence of sea grasses on the productivity of coastal lagoons. UNESCO Symposium on Coastal Lagoons:495-502

1968. Pesticide pollution in estuaries. Sea Frontiers July 1968. (Reprinted in Isaac Walton League Bulletin, reprinted in Encyclopedia Americana).

1970. Utilization of the direct grazing and plant detritus food chains by the striped mullet Mugil cephalus. Proc. of the Symposium on Marine Food Chains, Univ. of Calif. Press. 222-240.

1970. (With E.J. Heald). The contribution of mangrove swamps to Florida fisheries. Proc. Gulf and Carib. Fish. Inst. 22:130-135.

1969. Blue-water coasts. In Ecological Systems of the United States. FWPCA 526-546. (With J.J. Walsh).

1970. Insidious alteration of the estuarine environment. Trans. Am. Fish. Society 99(4):836-847.

1972. Trophic analyses of an estuarine mangrove community. Bulletin of Marine Science 22(3):510-576. (With E.J. Heald).

1972. (With R. Dolan and P. Godfrey) Man's impact on the Outer Banks of North Carolina. American Scientist

(in press) (With J. Zieman and E. J. Heald). The Importance of vascular plant detritus to estuaries. To be published in Proc. of the Second Marsh and Estuary Management Symposium

(in press). The potential of pollutants and other environmental alternations to adversely affect aquaculture. Proc. of 24th Gulf and Carribbean Fisheries Institute.

(in press). (With E.J. Heald) Mangrove forests and their influence on Aquatic productivity. INTECOL Symposium on Land-Water Interactions.

Papers Presented

Orally:
(Including
invited
lectures):

"The use of fluorescence microscopy in the analyses of stomach contents of filter and deposit feeders" Joint ESA and ASLO meeting, Madison, Wisconsin, June 1968.

"Utilization of the direct grazing and plant detritus food chains by the striped mullet." Symposium on marine food chains sponsored by ICES, FAO, ICNAF, UNESCO, and IBP. Aarhus, Denmark, July 1968.

"Thermal pollution in Biscayne Bay, Florida," Western Game and Fish Commission meeting, Victoria, British Columbia.

"Detritus budget of a British Columbia Lake." Detritus Symposium, University of Georgia, April 1971.

"Ecology of the Everglades." Rice University, Biology Department, January 1971.

"Ecosystem management." Sweet Briar College, Ecology Colloquim, April, 1971.

"A comparison of world mangrove production." 18th International Limnological Congress, Leningrad, USSR, August 1971

"Indicators of Estuarine Productivity." AIBS 2nd International Biological Congress, Miami, Florida, October 1971.

"Importance of mangrove estuaries." West Indies Laboratory, St. Croix, Virgin Islands, January 18, 1972.

"Ecology of South Florida." Biology Department, Lynchburg College, February 1972.

"Coastal Management." Biology Colloquim, Sweet Briar College, March 1972.

"Ecological Input to Land Management." Biology Department, University of West Florida, April 20, 1972.

"Scientific Court Testimony." (with J. Zieman). Law School, George Washington University, April 26, 1972.

"Pollution interactions with aquaculture." presented to FAO working group on Aquaculture, Rome, Italy, May 15, 1972.

"The importance of estuarine vascular plants." U.S. Dept. of Agriculture Weed Control Workshop. Denver, Colorado, June 9, 1972.

"Mangroves as detritus producers." AAAS workshop on herbicide usage in Viet Nam. Gainesville, Florida, June 19,

"Ecology of estuaries." Biology Department, Old Dominion University, July 5, 1972.

"The importance of vascular plant detritus to estuaries, " 2nd Symposium on Marsh & Estuary Management,

"Ecology of aging reservoirs." Smithsonian workshop on Lake Volta, Ghana. Washington, D.C. October 16, 1972.

"Adverse effects of pollutants on Aquaculture." Gulf and Caribbean Fisheries Inst., Miami, Florida, November 30, 1972.

III. APPROACH TO THE CRITERIA DEVELOPMENT TASK

Purposes Guiding the Development of Approval Criteria

The major purpose in developing the approval criteria is, of course, to articulate the specific requirements that the Secretary, Department of Commerce, will take into account in approving state coastal zone management programs. These criteria will also play a significant part in further guiding the Section 305 program development phase of the states. Thus, as in the development of the initial 305 guidelines that anticipated 306 requirements, this effort will also focus on both key sections of the statute. In addition to these two basic purposes, the work in this task will also be guided by the following specific facets of the approval-program development assignment:

- that the approval criteria for the Coastal Zone Management Act -- unlike most other Federal grant programs -- must be applied not only to "plans," but substantive management programs.
- that the criteria should clearly establish common intergovernmental understanding of coastal management objectives, needed information and analyses, geographic application and program implementation.
- that the criteria should not only provide a basis for approval of programs (a one-time requirement), but should also assist in anticipating future monitoring and administrative grant approvals.
- and, that the criteria should reflect and be particularly sensitive to management concerns that are of special significance to the coastal zone (as distinct from traditional "land use planning") e.g.: tidelands, ports and marine navigation, undersea and offshore developments, and anadromous and other marine fisheries.

Classification and Analysis of Approval Criteria Types

A methodological step important to the development of effective criteria is that of distinguishing the variations in the required program elements. The Secretary or his designee, together with other reviewing Federal agencies, will be faced with diverse plan and program elements which will require different treatment and concomitant review expertise and approaches.

Based upon the statutory program requirements it appears that the review criteria can be classified as follows -- for the purposes of initial analysis, if not final presentation:

- Establishment of management area boundaries.
- Definition, concerns, priorities and control of uses in the coastal zone.
- Provision of adequate intergovernmental and interagency coordinative and participatory mechanisms.
- Governmental powers and authorities.

This classification of review criteria suggests, at the outset, that there also are likely to be different levels of difficulty in developing individual criteria elements for the two central purposes noted above: Secretarial and other Federal reviews of state management programs, and encouraging the development of effective state programs.

In terms of our working classification of the approval criteria, it is suggested that the problems associated with developing effective criteria are as follows, in a descending order of difficulty:

1. Definition, concerns, priorities and controls of uses in the coastal zone.
2. Establishment of management area boundaries.
3. Adequate intergovernmental and interagency coordinative and participatory mechanisms.

4. and lastly, governmental powers and authorities.

This ordering of criteria types by difficulty reflects: variations in the explicitness of language and definition within the statute itself; levels of technical and scientific knowledge and consensus; problems encountered in the studies and legislative history leading to the Act's enactment; and, the practical experience encountered by states that have already initiated coastal zone management efforts.

We will therefore assign proportionately more weight to items 1 and 2 than 3 and 4 (although all are essential approval elements) in carrying out this task. In terms of Attachment A to the Request for Proposal, the specific elements or subelements to be addressed in each classification are as follows:

1. Definition, concerns, priorities and controls of uses in the coastal zone -- items 2 ("permissible uses"), 3 ("particular concern"), 5 ("priority of uses"), 12 (siting of facilities "other than local in nature"), 13 (procedures to designate areas for preservation and restoration), 16 (methods to assure that local land and water use regulations "do not unreasonably restrict ... uses of regional benefit").
2. Establishment of management area boundaries -- items: 1 ("boundaries subject to the management program"), 2 ("direct and significant impact on the coastal waters"), 5 ("particular areas"), 13 (the "specific areas" for preservation-restoration use).
3. Adequate intergovernmental and interagency coordinative and participatory mechanisms* -- items: 6 (structure, responsibilities and interrelationships in

* These criteria are closely tied to the work proposed in Section IV and will be integrated with that effort.

the management process), 7 ("method of providing opportunity of full participation"), 8 ("method of coordinating . . . plans"), 9 ("effective mechanism for continuing consultation and coordination"), 10 ("Demonstration that the state is organized"), 17 (unification of segments, should that approach be adopted).

4. Governmental powers and authorities -- 4 (means "to exert control over land and water uses"), 11 ("authorities necessary to implement"), 14 ("authority for the management of the coastal zone"), 15 ("techniques for control of land and water uses"), 18 (air and water pollution control requirements).

Sources of Information, Analysis and Experience

There are substantial sources to be tapped that will be compiled, analyzed and displayed to clarify, define and propose approval criteria. In the working paper version of the guidelines, these criteria and supporting documentation will be presented in the alternative, with the strengths and weaknesses of the alternatives evaluated.

We will selectively draw upon the most recent coastal zone and land use literature from the following representative sources:

- Federal agencies, with particular reference to: resource management review and approval guidelines and regulations; past coastal zone management studies; congressional hearings and reports; and the developing land use policy literature in EPA, the Department of the Interior and Water Resources Council.
- The states, focusing primarily upon the significant and growing body of state coastal zone and related legislation, planning requirements, standards, policies, and procedures; research and analysis developed to support management program

implementation; organizational, administrative and programmatic approaches; and evaluation of recent implementation experience.

- The scientific and technical literature -- especially as it contributes to the development of approval criteria concerning identification of discreet coastal areas for the management purposes set forth in the Act; coastal area carrying capacities in response to use pressures; scientific determinants for major facilities siting; and measures of "direct and significant impact."
- Other relevant sources -- limited to those recent studies that deal directly with land and water management issues raised by the need to set program, planning and performance criteria of the sort required by the Coastal Zone Management Act, e.g., the current Conservation Foundation coastal management techniques evaluation, the Urban Institute's research into land use impact measures, the EPA sponsored land capability analyses, and the Council of State Government's recent land and water use studies.

This literature analysis will be supplemented by a thorough assessment of the practical experience of the various levels of government in attempting to establish and maintain land and water management programs. An evaluation of states experiences to date with related Federal grant programs -- and review -- approval mechanisms -- will be one key facet of this investigation. This will be supplemented by the broad and recent direct involvement of the study team in the following states that are evolving coastal zone management programs: California, Oregon, Washington, Texas, South Carolina, Maryland, Florida, and Massachusetts. This personal experience will be supplemented by further interviews with major public interest groups, professional associations and with other state agency officials, as appropriate

In addition to addressing the development of criteria that are required by statute, we will also extend our analyses to other potentially important program development and criteria or guideline preparation areas. Our inquiry would include, but not be limited to the following areas of inquiry:

- Specific management issues and approaches to state control and maintenance of state owned tidelands (recently being addressed by the State of Washington, Department of Natural Resources).
- Desirable means to integrate active management activities (fisheries, construction, shoreline protection, etc.) with the primary emphasis on controls set forth in the Act.
- Particular aspects of coastal zone management programs that are appropriate for areawide planning participation, or are of local government concern.
- And, clarification of the priority descriptive and predictive information and research that will directly support management and regulatory aspects of coastal zone management programs.

These elements of the task will be incorporated in the working paper due at the end of November. Specific areas where additional input is particularly important will be noted as a guide to the review conferences scheduled to follow the report. Soon after the report is submitted, it is suggested that a meeting be convened to determine the proper phased scheduling to the two proposed products: the formal guidelines to be submitted in the Federal Register, and the accompanying or supplemental document that will explain and perhaps extend the breath of program guidance.

IV. APPROACH TO THE FEDERAL PROCEDURES TASK

The Coastal Zone Management Act of 1972 was written in the spirit of cooperation -- between different levels of government and between Federal agencies.

In this spirit, the Secretary of Commerce under Section 307(b) is given responsibility for approving a state management program, but "the views of Federal agencies principally affected by such program" must be adequately considered. This does not specify agency veto, but does mean that the Department of Commerce must develop procedures for soliciting the views of affected Federal agencies, and more importantly, for assuring that these views are incorporated into the state programs themselves.

Two principles should guide development of these procedures. First, to the degree possible, the requirements of the various Federal agencies should be specified in advance and should be incorporated into preparation of the state management program itself. This is a program of grants to states to prepare integrated state planning and management programs. Therefore, the maximum amount of coordination between Federal programs should occur from the outset at the state level.

The second principle is that the procedures should be as simple and as understandable as possible, so that states and affected Federal agencies will know the guidelines under which their comments are to be solicited, and their precise role in the approval processes is made clear.

The statutes and administrative regulations of all Federal programs are complex, and the Federal establishment as a whole should be in the position of being able to tell the states in advance what is expected of them in preparing management plans with the likelihood of expeditious Federal approval, and then of certifying state programs that meet Federal requirements.

Precedents

There are several precedents for interagency coordination which should be reviewed for application to the approval process for state coastal zone management programs.

These would include:

1. Interagency approval of regional development plans under Title V of the Public Works and Economic Development Act of 1965.
2. Interagency approval of River Basin Plans under Title II of the Federal Resources Planning Act of 1965.
3. Interagency approval of model cities plans under the Demonstration Cities Act of 1966.
4. Interagency agreements between HUD, EPA, Agriculture, DOT, and EDA in such areas as water quality management planning, water and sewage grants and areawide or metropolitan planning programs.

The purpose of this review is to learn from the experiences of these precedents and to avoid the errors they made, as well as to incorporate successful procedures.

Office of Management and Budget

The important role played by the Office of Management and Budget must be emphasized here, for two reasons: (1) OMB's interests lie in smooth interagency coordination and orderly approval of state programs, so as to assure decentralization of decision-making to state and agency levels;

(2) OMB ultimately will have to approve the proposed procedures for interagency cooperation, and the regulations that will be promulgated therefrom.

Therefore, some effort will be devoted to securing prior acceptance of the approval process from two parts of OMB; the budget and management staff responsible for the

coastal zone management program; and from the intergovernmental relations staff.

Coordination with Grant Processing System

Because this program is related to simplification of Federal grant-in-aid procedures, there must be very close working relations with the team selected to develop the grant processing system for NOAA under a separate contract. Our approach allows adequate time for working with this group and for advising them on such procedures as integrated grant administration; OMB Circular A-102, A-95 and A-85; and proposed Office of Coastal Environment field structure as related to that of other agencies.

Other Key Factors in the Review Process

The following factors must be considered in developing the interagency procedures. These are specified in the Coastal Zone Management Act and will be made a part of the guidelines.

1. Questions of the national interest involved in locating facilities of more than local nature are to be considered under Section 306(c)(8). Federal agencies must be helped to specify the national interest from their own point of view and incorporate these views in management programs.
2. Under Section 306(g), states may propose amendments to their programs once approved. An orderly system must be developed for notifying affected Federal agencies of these proposed amendments.
3. Under Section 306(h), states may prepare their management plan in segments. There must be an orderly review process for any such segments to conform to the policies of the Act.

4. Under Section 307(b), any serious disagreement between Federal agencies regarding a state management program are to be mediated by the Secretary of Commerce in association with the Executive Office of the President. While every effort should be made to prevent such disagreements through proper procedures at the state level, and in the Federal review procedures, the mechanisms by which the Executive Office of the President would convene the interested parties and assist the Secretary of Commerce in working out any disagreements will be made a part of the approval procedures.
5. Section 307(c)(1), requires that all Federal activities affecting the coastal zone that are being conducted or supported by the Federal agencies must be considered. To a large degree this can be handled through procedures under OMB Circular A-95. Similar regulations must be developed for assuring that development projects actually undertaken by Federal agencies, and for Federal licenses and permits in the coastal zone, are incorporated into the minimum requirements for the state program.
6. Under Section 307(e), a clear statement of the Federal jurisdiction, responsibility and rights over coastal lands and coastal waters must be developed.
7. All Federal agencies have modified their own administrative regulations to incorporate required A-95, civil rights, and Environmental Impact Statement requirements. These procedures must be harmonized into the basic requirements for state preparation of the management plan.
8. Under Section 307(f), there must be clear a mechanism for informing states of changes of Federal requirements so that state programs may be consistent with minimum Federal guidelines. State water and air pollution control

plans are specifically mentioned; EPA guidelines under these laws are very complex and are in the state of flux, so an orderly procedure for EPA sign-offs on state pollution control plans can be incorporated into approval of the Coastal Zone Program plan.

9. Special attention is paid in 307(g) to harmonizing grants under any Federally-supported national land use program with the Coastal Zone Management program. While it is doubtful that the Department of the Interior will be ready with final regulations during the course of this contract, every effort will be made to secure harmony with that important prospective program.
10. Under Section 309, the Secretary is to undertake a continuing review of the state management programs and the performance of the states. This implies at least an annual review of the management program once it is approved, and therefore procedures must be developed for notifying Federal agencies of the review, and of termination of assistance if the Department of Commerce finds that the state is no longer eligible for CZM assistance.
11. Other programs within NOAA and Commerce, such as the sea grant program, must be fully incorporated into the guidelines.

There will be a great variety in the way states will wish to handle their management responsibilities for the Coastal Zones, and the Federal guidelines and procedures for approval should be developed in this spirit. Section 305 grants are catalyst for developing the management program itself. Proper linkages with the Federal agencies should be established by the states during the program development plan. Indeed, Section 960.16 of the coastal zone management program guidelines published in the Federal Register on June 13, 1973, suggests that cooperative mechanisms be developed

by the states with Federal agencies. Specific mechanisms and linkages can be a primary element in interagency cooperation by Federal agencies in approving state management programs once they are submitted for approval by the states.

Methods in Developing Federal Approval Procedures

Our procedure in this section of the technical work will proceed as follows:

1. Identify with the Office of Coastal Environment staff the Federal agencies to be considered in the approval of state programs.
2. Assemble precedents for interagency approval of state and substate plans and programs.
3. Develop a logical, phased procedure for approval process.
4. Review this procedure with such advisory committees and official organizations as the Office of Coastal Environment may specify, especially OMB.
5. Put the procedures in a form ready for review through the A-85 process.
6. Write a narrative or appendix explaining how the approval process will work operationally.